

Remarks

Reconsideration of the application, and allowance of all claims pending are respectfully requested. Claims 1-9, 11-23, 25-29 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 8-9, 11-19, and 22-23, 25-29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Choi et al. US 7096020 ("Choi") in view Soderbacka et al. US 20030114158 ("Soderbacka"). These rejections are respectfully traversed.

For explanatory purposes, applicant discusses herein one or more differences between the claimed invention and the Office Action's citations to Choi and Soderbacka. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Choi or Soderbacka correspond to the claimed invention.

To support an obviousness rejection, MPEP §2143.03 requires "all words of a claim to be considered" and MPEP § 2141.02 requires consideration of the "[claimed] invention and prior art as a whole." Further, the Board of Patent Appeal and Interferences recently confirmed that a proper, post KSR obviousness determination still requires the Office make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) and *CFMT v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). In sum, it remains well-settled law that an obviousness rejection requires at least a suggestion of *all* of the claim elements. Because the cited art does not disclose controlling communications service in a system comprising first and second subsystems with the first subsystem being adapted to support first and second communication services while the second subsystem is

adapted to support the second communication service, as found in Applicant's claim 1, the obviousness rejection is improper.

U.S. patent 7,096,020 discloses a method for handoff between a 3G wireless communication system and a 2G wireless communication system. The proposed method includes completing the handoff through establishment of a multiparty call in the 3G system, and a multiparty call in the 2G system, so as to establish a handoff connection between two mobile switching centers belonging to the respective systems. The purpose of establishing the multiparty calls is indeed to create a handoff connection between the centers, and neither call is requested by the terminal user (rather, the dual-mode terminal controller "automatically transmits" messages to the network regarding a multiparty call to be setup – see col. 6, l. 43-47 and l. 58-63).

Choi's teaching is therefore not directed to controlling communications service in a system comprising first and second subsystems with the first subsystem being adapted to support first and second communication services while the second subsystem is adapted to support the second communication service. There is no support in Choi of a first and second communication services, and a fortiori not for a "change of service" as recited in the second part of the claim. The controller requesting service from the CDMA network in Choi is not a change of service, but a change of system (or "scheme"). In fact, Choi's disclosure is explicit in this regard, as can be seen in col. 1, lines 34-41: "An example of a new mobile communication scheme is a third-generation (3G) mobile communication system" (emphasis added).

Because Choi does not disclose a change in service the Office Action relies on Soderbacka as disclosing a change in service. In particular the Office Action cites Soderbacka paragraphs 5 and 12. Paragraph 5 of Soderbacka discloses handing off between two systems

wherein "the first radio access system is typically GSM/GPRS and the second radio access system WCDMA." Paragraph 12 of Soderbacka discloses that a transparent facsimile service must be used without delay if a mobile terminal is switching to a system that does not support this facsimile service. Soderbacka, however, does not disclose switching from a first service to a second service as found in Applicant's claim 1. Thus Soderbacka's teaching is therefore not directed to controlling communications service in a system comprising first and second subsystems with the first subsystem being adapted to support the second communication service. There is no support in Soderbacka of a first and second communications services, and thus not for a "change of service" as recited in the second part of the claim.

The Office Action's citations to Choi and Soderbacka all fail to meet at least one of Applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Choi and Soderbacka of controlling communications service in a system comprising first and second subsystems with the first subsystem being adapted to support first and second communication services while the second subsystem is adapted to support the second communication service, as recited in applicants' independent claim 1 and 15. Nor do Choi or Bruno disclose the limitations found in claim 2.

The Applicant reiterates his arguments concerning claim 2. The reference to col. 2, lines 36-38 in this part of the specification of Choi merely states a technical problem for which Choi allegedly proposes a solution. Further, the mere statement in Choi which recites, "Thus, currently, the handoff is impossible" is not a disclosure of any feature of claim 2.

For all the reasons presented above with reference to independent claim 1 and 15, and claim 2, claims 1, 15 and 2 are believed neither anticipated nor obvious over the art of record.

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The corresponding dependent claims are believed allowable for the same reasons as independent claims 1 and 15, as well as for their own additional characterizations.

Withdrawal of the §§ 103 rejections is therefore respectfully requested.

In view of the above remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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